



Australian Capital Territory

Magistrates Court Regulation 2009

SL2009-24

made under the

Magistrates Court Act 1930

Republication No 4

Effective: 20 April 2024

Republication date: 20 April 2024

Last amendment made by [A2024-12](#)

About this republication

The republished law

This is a republication of the *Magistrates Court Regulation 2009*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 20 April 2024. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 20 April 2024.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Magistrates Court Regulation 2009

made under the

Magistrates Court Act 1930

1 Name of regulation

This regulation is the *Magistrates Court Regulation 2009*.

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

3A Application for infringement notice management plan or addition to plan—contents—Act, s 131AA (4) (b)

(1) The following cards are prescribed:

- (a) a health care card issued under the *Social Security Act 1991* (Cwlth);
- (b) a pensioner concession card issued under the *Social Security Act 1991* (Cwlth);
- (c) a pensioner concession card issued in relation to a pension under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth);
- (d) a gold card.

(2) In this section:

gold card means a card known as the Repatriation Health Card—For All Conditions that evidences a person's eligibility, under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth), to be provided with treatment for all injuries or diseases.

3B Cancellation of infringement notice management plan allowing payment by instalment—Act, s 131ACA (1) (b) (i)

Any of the following circumstances are prescribed:

- (a) the person fails to pay 3 or more consecutive instalments in accordance with the plan;
- (b) the person fails to pay 6 or more instalments in accordance with the plan in any 12-month period.

3C Matters to consider when deciding whether to cancel infringement notice management plan—Act, s 131ACA (4) (b)

The following matters are prescribed:

- (a) any reasons given to the administering authority by the person about why they failed to make the payments as mentioned in section 3B or otherwise failed to comply with the plan;
- (b) whether it is likely the person will—
 - (i) if a circumstance mentioned in section 3B applies—fail to pay further instalments in accordance with the plan; or
 - (ii) in any case—fail to comply with the plan in the future.

4 Awarding costs in criminal matters—Act, s 244 (1) (d) (i)

- (1) In awarding costs, the court may order that the amount to be paid is the amount—
 - (a) decided by the court; or
 - (b) agreed by the parties.
- (2) The amount to be paid must be worked out in accordance with the *Court Procedures Rules 2006*, schedule 4 (the *scale of costs*) as applied under subsection (3).

- (3) In working out the amount—
 - (a) a reference to the registrar is taken to be a reference to the court or the parties; and
 - (b) the amount allowed under an item in part 4.2 of the scale of costs is multiplied by 67%; and
 - (c) rule 4.12 (Costs—transitional) of the scale of costs does not apply.

5 Costs in criminal matters—agreement by parties

- (1) This section applies if the court orders, under section 4 (1) (b), that the amount of costs to be paid is the amount agreed by the parties.
- (2) If the party entitled to costs and the party liable for costs agree that the costs be set at a certain amount (the *agreed amount*), either party may file a written agreement to the costs being set at the agreed amount.
- (3) The agreement must be signed by the parties or their solicitors.
- (4) On the filing of the agreement, the agreed amount is taken to be the amount of costs to be paid.
- (5) If the parties cannot agree on the amount, the court may order that the registrar assess costs in accordance with the scale of costs as applied under section 4 (3) (b) and (c).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court Regulation 2009 SL2009-24

notified LR 28 May 2009

s 1, s 2 commenced 28 May 2009 (LA s 75 (1))

remainder commenced 30 May 2009 (s 2)

as amended by

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.28

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1))

sch 3 pt 3.28 commenced 14 June 2013 (s 2)

Magistrates Court (Infringement Notices) Amendment Act 2020 A2020-5 pt 3 (as am by A2021-33 pt 15)

notified LR 27 February 2020

s 1, s 2 commenced 27 February 2020 (LA s 75 (1))

pt 3 commenced 27 February 2024 (s 2 (2) (as am by [A2021-33](#) pt 15)
and LA s 79)

Justice and Community Safety Legislation Amendment Act 2021 (No 2) A2021-33 pt 15

notified LR 10 December 2021

s 1, s 2 commenced 10 December 2021 (LA s 75 (1))

pt 15 commenced 17 December 2021 (s 2 (1))

Note This Act only amends the Magistrates Court (Infringement
Notices) Amendment Act 2020 [A2020-5](#).

Crimes Legislation Amendment Act 2024 A2024-12 pt 10

notified LR 19 April 2024

s 1, s 2 commenced 19 April 2024 (LA s 75 (1))

pt 10 commenced 20 April 2024 (s 2 (3) (b))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Application for infringement notice management plan or addition to plan—contents—Act, s 131AA (4) (b)

s 3A ins [A2020-5](#) s 27

Cancellation of infringement notice management plan allowing payment by instalment—Act, s 131ACA (1) (b) (i)

s 3B ins [A2024-12](#) s 24

Matters to consider when deciding whether to cancel infringement notice management plan—Act, s 131ACA (4) (b)

s 3C ins [A2024-12](#) s 24

Awarding costs in criminal matters—Act, s 244 (1) (d) (i)

s 4 am [A2013-19](#) amdt 3.209

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 30 May 2009	30 May 2009– 13 June 2013	not amended	new regulation
R2 14 June 2013	14 June 2013– 26 Feb 2024	A2013-19	amendments by A2013-19
R3 27 Feb 2024	27 Feb 2024– 19 Apr 2024	A2020-5	amendments by A2020-5 as amended by A2021-33

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